

SENATE JOURNAL

Thirty-Seventh Legislature—First Called Session

FIRST DAY.

Senate Chamber,
Austin, Texas,
Monday, July 18, 1921.

In obedience to the call of his Excellency, Hon. Pat M. Neff, Governor of the State of Texas, convening the Thirty-Seventh Legislature in extraordinary session, being the First Called Session, this, the 18th day of July, 1921, the Senate met in the Senate Chamber of the Capitol, in the City of Austin, at 9:00 o'clock a. m., and was called to order by Lieutenant Governor Lynch Davidson.

Temporary Officers.

W. V. Howerton, Secretary.
G. A. Baker, Assistant Secretary.
R. M. Gilmore, Journal Clerk.
Mrs. J. Collins, Assistant Journal Clerk.
A. W. Holt, Sergeant-at-Arms.
F. M. Midkiff, Second Assistant Sergeant-at-Arms.
Dan Payne, Assistant Sergeant-at-Arms for gallery.
Miss Lulu Gardner, Calendar Clerk.
Mrs. Jennie Hargis, Assistant Calendar Clerk.
Mrs. Clyde Smith, Postmistress.
Miss Mary Jacobs, Telephone Operator.
W. H. Brummett, Doorkeeper.
John Falk, Assistant Doorkeeper.

Roll Call.

The Chair directed the roll called, the following Senators answering to their names, a quorum being present:

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| Bailey. | Dorough. |
| Baugh. | Dudley. |
| Bledsoe. | Fairchild. |
| Buchanan. | Floyd. |
| Clark. | Hall. |
| Cousins. | Hertzberg. |
| Darwin. | Lewis. |
| Davidson. | McMillin. |

1—Senate.

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| Murphy. | Watts. |
| Page. | Williams. |
| Parr. | Witt. |
| Richards. | Wood. |
| Rogers. | Woods. |
| Suiter. | |

Absent.

Carlock.

Prayer by Rev. Morgan.

New Members Seated.

The Chair here laid before the Senate the following certificates of election of members elect from the districts stated in certificates:

Department of State,
Austin, Texas.

United States of America)
The State of Texas)

I, S. L. Staples, Secretary of State of the State of Texas, hereby certify that at a Special Election held in the 12th Senatorial District of Texas, for the purpose of electing a State Senator to fill the vacancy occasioned by the resignation of Senator D. Leon Harp, that Hon. W. E. Doyle of Freestone County, Texas, has been certified to this Department in accordance with the law, as having been elected as State Senator in and for the 12th Senatorial District of Texas, on the 4th day of June, A. D. 1921.

In testimony whereof, I have hereunto signed my name officially and caused the seal of the State to be hereon impressed at the City of Austin, Texas, this the 18th day of July, A. D. 1921.

(Seal) S. L. STAPLES,
Secretary of State.

Department of State,
Austin, Texas.

United States of America)
The State of Texas)

I, S. L. Staples, Secretary of State of the State of Texas, hereby certify that at a Special Election held in the Sixth Senatorial District of Texas, for the purpose of electing a State Senator to fill the vacancy occasioned

by the death of Senator J. C. McNealus, deceased, that Hon. Hart Willis of Dallas County, Texas, has been certified to this Department in accordance with the law, as having been elected as State Senator in and for the Sixth Senatorial District of Texas on the 25th day of June, A. D. 1921.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be hereon impressed at the City of Austin, Texas, this the 18th day of July, A. D. 1921.

(Seal) S. L. STAPLES,
Secretary of State.

Department of State,
Austin, Texas.
United States of America)
The State of Texas)

I, S. L. Staples, Secretary of State of the State of Texas, hereby certify that at a Special Election held in the Twenty-eighth Senatorial District of Texas, for the purpose of electing a State Senator to fill the vacancy occasioned by the resignation of Senator J. A. Russell, that Hon. Joe Burkett of Eastland County, Texas, has been certified to this Department in accordance with the law, as having been elected as State Senator in and for the Twenty-eighth Senatorial District of Texas on the 4th day of June, A. D. 1921.

In testimony whereof, I have hereunto signed my name officially and caused the Seal of State to be hereon impressed at the City of Austin, Texas, this the 18th day of July, A. D. 1921.

(Seal) S. L. STAPLES,
Secretary of State.

The above named Senators elect, were invited to the bar of the Senate and the Constitutional oath of office was administered to them by Lieutenant Governor Lynch Davidson.

On motion of Senator Clark the three Senators addressed the Senate briefly, being introduced by Lieutenant Governor Davidson.

Proclamation by the Governor, Convening the Legislature.

Governor's Office,
Austin, Texas.

Proclamation by the Governor of the State of Texas:

I, Pat M. Neff, Governor of the

State of Texas, by virtue of the authority vested in me by the Constitution of the State of Texas in Article 4, Section 8, do hereby call an extraordinary session of the Legislature to convene in the City of Austin, Texas, at 9:00 o'clock a. m., Monday, July 18th, A. D. 1921, for the following purposes, to-wit:

1. To make appropriation, within the available revenues, for the support and maintenance of the State government and State institutions.

2. To provide additional revenue and make appropriation out of same for the better support of the Public Free Schools of the State.

3. To enact legislation providing for the repeal of the Suspended Sentence Law and amending the State Prohibition Law so as to make same more effective and easier of enforcement.

4. To provide an effective law for the removal of officers who wilfully and corruptly refuse to perform their official duties in the enforcement of the law.

5. To provide for the consolidation of overlapping departments and the abolishment of useless offices and positions, for the purpose of securing to the people of Texas a more efficient and economical administration of the government.

6. To re-district the State into Senatorial and Representative Districts as provided by the Constitution and as recommended by our party platform.

7. To consider and act upon such other matters of vital importance as may be presented by the Governor pursuant to Section 40, Article 3, of the Constitution of Texas.

In witness whereof, I have hereunto signed my name officially, and have caused to be impressed hereon the Seal of the State, at the City of Austin, Texas, this 17th day of June, A. D. 1921.

(Signed) PAT M. NEFF,
(Seal) Governor of Texas.

By the Governor:

S. L. Staples,
Secretary of State.

Department of State,
Austin, Texas,
The State of Texas)

I, S. L. Staples, Secretary of State of the State of Texas, do hereby certify that the attached and foregoing

is a true and correct copy of the proclamation issued by Pat M. Neff, Governor of Texas, calling a Special Session of the Thirty-seventh Legislature to convene in the City of Austin, Texas, at 9:00 o'clock a. m., Monday, July the 18th, A. D. 1921, as said proclamation now appears of record in this Department.

In testimony whereof, I have hereunto signed my name officially, and caused the Seal of State to be hereon impressed at the City of Austin, Texas, this the eighteenth day of July, A. D. 1921.

S. L. STAPLES,
Secretary of State.

(Seal)

At Ease.

For the purpose of arranging for a permanent organization, the Senate here stood at ease subject to call of the Chair.

Notice of House Organization.

At 10:55 o'clock a. m., the Chair called the Senate to order, and a committee from the House appeared and, after being announced, reported that the House was organized and ready for the transaction of business.

Permanent Organization.

Senate Chamber,
Austin, Texas, July 18, 1921.
Hon. Lynch Davidson, Lieutenant Governor:

A caucus was held in the Secretary's office of the Senate, attended by all Senators, except Senator Carlock, who was absent, and by unanimous vote of those present other Senators holding their proxies were allowed to cast by proxy the votes of the absent Senators.

The purpose of the caucus was to determine the number and personnel of the Senate officers and Senate employees for the ensuing First Called Session of the Thirty-seventh Legislature.

Senator Suiter was elected Chairman of the caucus, and Senator Witt was elected Secretary.

The following officers and employees were recommended as officers and employees of the Senate for the First Called Session:

Secretary, W. V. Howerton.
Assistant Secretary, G. A. Baker.
Journal Clerk, R. M. Gilmore.

Assistant Journal Clerk, Mrs. Josephine Collins.

Sergeant-at-Arms, A. W. Holt.

First Assistant Sergeant-at-Arms, J. A. Kenney.

Second Assistant Sergeant-at-Arms, F. M. Midkiff.

Calendar Clerk, Miss Lula Gardner.

Assistant Calendar Clerk, Mrs. Jennie Hargis.

Mailing Clerk, Mrs. W. S. Banks.

Assistant Mailing Clerk, Mrs. Lottie Sturdivant.

Postmistress, Mrs. Clyde D. Smith.

Chaplain, Rev. F. H. Morgan.

Telephone Operator, Miss Jacobs.

Doorkeeper, Capt. W. H. Brummett.

Assistant Doorkeeper, Richard Blaylock.

It was further recommended that the Chairmen of the Enrolling and Engrossing Committees be authorized to employ enrolling and engrossing clerks, and such assistants as necessary, and that their appointments be referred to the Senate for confirmation.

It was further recommended that each Senator be permitted to name one stenographer, and that such employee act as clerk of each committee of which said Senator may be chairman.

It was further recommended that the President of the Senate have exclusive appointment of such number of pages and porters as in his judgment may be necessary.

It was further recommended that the compensation of officers and employees above named shall be five dollars per day, except that the Secretary of the Senate and the Journal Clerk shall each receive \$7.50 per day, and except further that the pages shall receive two dollars per day and the porters shall receive two dollars per day, the head porter receiving three dollars per day.

It was further recommended that the Lieutenant Governor be authorized to use any of the employees needed for any other work in the Senate where their services may be required, in the judgment of the Lieutenant Governor.

It was further recommended that the Lieutenant Governor be permitted to select a Secretary and an Assistant Secretary and that the sal-

aries shall be the same as in the Regular Session.

It was further recommended that the Senators be given such time as they desire to name their personal appointments and that such appointment be made by handing the names of such appointees to the Secretary of the Senate.

It was further recommended that 2,000 copies of the Daily Journal be printed and that the same be prorated among the Senators and the Lieutenant Governor; except that 300 copies be furnished the members of the House.

It was further recommended that the Sergeant-at-Arms rent such typewriters as may be necessary for the use of the employees of the Senate, such rental not to exceed four dollars per month.

It was further recommended that the Lieutenant Governor and each Senator be allowed the stationery and postage needed by him, and be allowed expenses incurred in the transmitting and receiving telephone and telegraph messages that may be actually necessary in the discharge of his official duty.

It was further recommended that the Chairman of the Finance Committee be authorized to appoint a clerk to the Finance Committee, and a stenographer to the Finance Committee; and their salaries be the same as at the Regular Session.

It was further recommended that each Senator be permitted to subscribe to five daily papers, to be paid for out of the contingent fund.

WILL D. SUITER,

Chairman.

EDGAR E. WITT,

Secretary.

The above report was read and, on motion of Senator Suiter, was adopted.

Lieutenant Governor Davidson Addresses Senate.

The following address by Lieutenant Governor Davidson, delivered at this time, is printed here by order of the Senate, being on motion of Senator Darwin:

"In opening this, the first extraordinary session of the Thirty-seventh Legislature, I desire, as President of the Senate, to ask your in-

dulgence to express a few views which I hope you will find timely and which I think are justified by the complex situation at this time—views in which I trust I am not misguided and which will not be misunderstood.

"The great calamity of war reaped its toll from the flower of the manhood of Texas, and left us a heritage of solemn grief, but it left us at the same time a serious war debt. Our grief we will ever cherish. Our war debt we must and will pay, and willingly pay as a tribute to the boys lost oversea, and as an expression of our sentiment. But debt is a most practical thing, be it war debt, government debt or individual debt, and must be dealt with in a practical manner. Fifty-five million dollars for each congressional district in the State, and there are 18 of them, making more than a billion dollars as the part which Texas will contribute to the national debt. It costs sixteen or seventeen million dollars a year to conduct the entire governmental system of the State of Texas, whereas the interest on Texas' part of the national debt will be more than fifty million dollars per annum. From this it will be readily seen that our greatest burden is the national burden, and that the cost of conducting our own affairs is comparatively insignificant.

"This body can, perhaps, find no way to lessen the Federal burden already upon us, but we can and should do those things which will lead to a prevention of further Federal tax burdens. It may be illuminating to say that perhaps a great deal of the Federal tax burden emanates from the willingness of States to grab every little sop that is offered in the way of Federal aid. The National Government comes along and offers them a few dollars for our schools and our roads and other institutions, and every time a dollar comes to us from that source I dare say we give up in taxes ten dollars to the Federal Government, at the same time striking down State lines and wiping out State rights. So that, if we might refrain in that respect, perhaps the Federal burden of taxation would be minimized in future.

"While, as I have stated, the great burden is of course the National

burden, at the same time this legislative body, having power transcending all other governmental power, should lead in the determination that no further tax burdens shall be placed upon the people in this time of serious economic ills and financial distress and disaster.

"It is no time for crimination and recrimination between the different departments of State, while the people of Texas stand by and suffer. It is no time for one branch of government to say that the other branch is at fault. It is no time to engage in the practice of passing the buck. If one is wrong, both are wrong. The executive branch has wisely been vested with the constitutional power of veto, and if the legislative branch has failed or fails in its solemn obligation to give the people an administration of economy and lessen the tax burden the Chief Executive should courageously use this constitutional power.

"The Finance Committee of the Texas Senate in the Regular Session, of my own knowledge, gave great consideration to the distressing economic situation in the State, was careful in every respect, and its chairman again and again and repeatedly refused to be pushed headlong into hasty appropriation measures for the mere sake of expediency. But if we erred, we should be none too proud to admit that fact and correct the error. If extravagant appropriations have been made, it is a very simple and easy matter to unmake them and there should be no hesitancy on the part of this body in doing so.

"The Governor's plea of economy without doubt meets the views of nearly every citizen in this State, and I know it accords with the desire of every Senator here present. But a program running into millions which seeks new objects of attack for the tax gatherer, is not a program of economy. Additional tax levies should not be fixed against anything. Gentlemen of the Senate, whatever may have been said pro and con, it calls for no ill feeling, crimination or recrimination between the executive and legislative branches of government. To the contrary it should emphasize the necessity for unani-

mity of effort and co-operation in every particular, that the interests of this great State and its citizenship may be best served.

"Permit me to remind you that whom the gods would destroy they first make mad. Strife and discord can but complicate the State's financial difficulties, and I bespeak for the people of Texas, for yourselves, for myself, for your Governor and for everybody interested in the welfare of this great State, harmony, co-operation, good will, intelligent endeavor, and all working together for the general good."

Notification Committee.

The Chair here announced the appointment of the following committees to notify the House and Governor that the Senate was organized and ready for business:

To notify the Governor: Richards, Willis, Wood.

To notify the House: Davidson, Suiter, Burkett.

The committees immediately performed their duties and reported.

Oath Administered Officers.

The Chair here administered the oath of office to the following named officers of the Senate:

W. V. Howerton, G. A. Baker, R. M. Gilmore, Mrs. Josephine Collins, A. W. Holt, J. A. Kenney, F. M. Midkiff, Miss Lula Gardner, Mrs. Jennie Hargis, Mrs. W. S. Banks, Mrs. Lottie Sturdivant, W. H. Brummett, Richard Blaylock.

Election of President Pro Tempore.

The Chair here announced that nominations for the election of a President Pro Tem. was in order.

Senator Dudley nominated Senator Bailey of De Witt County.

Senators Dorough, Davidson, Woods, Suiter, Page, Clark, Witt, Cousins, Hertzberg, and Floyd seconded the nomination of Senator Bailey.

There being no other nominations, the Chair declared nominations closed.

The Chair appointed Senators Hall, Willis and Davidson as tellers and after the ballot was counted, announced that Senator Bailey had received 29 votes, all the votes cast.

Oath Administered.

Senator Bailey was escorted to the bar of the Senate and was administered the Constitutional oath of office by Lieutenant Governor Davidson.

Senator Bailey thanked the Senate for the honor conferred upon him.

Appointments By Chair.

The Chair announced the following appointments:

Pages: Tom Stanford, Guy McCaleb, Joe Irvin, Elston Ford, Alvin Reagon, Jesse Raymond, Oliver Hyslop, John D. Rogers, Robert Wear, and John Hurley.

Private Secretary to Lieutenant Governor: Raymond Brooks. John Cofer was appointed as Assistant Secretary.

Porters: General Jackson, Buck Green, Ben Thompson, Bud Green, John Roberts, Monroe Williams, Emmett Hill, Abner Evans, Sam Grant, Jim Hallas.

Communication Referred to Committee.

The Chair laid before the Senate the following communication from Miss Blanton, Superintendent of Public Instruction.

State Department of Education,
Austin, Texas, July 16, 1921.
To the Honorable State Senate, State Capitol, City.

Gentlemen: In view of facts and figures submitted to you in regard to the padding of the scholastic census rolls in various parts of the State, and in view of contentions made by the Corpus Christi School Board, I respectfully ask that the Senate and House appoint a joint committee to confer with me and the Corpus Christi School Board, to go carefully into the facts submitted and to advise with me as to further action in regard to the Corpus Christi matter, and to the retaking of the scholastic census in other sections of the State.

Respectfully yours,
ANNIE WEBB BLANTON,
State Superintendent.

Pending discussion relative to what disposition to make of the communication, the same was, on motion

of Senator Page, referred to Committee on Educational Affairs.

Bills and Resolutions.

By Senator Dudley:

S. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of sixty-five thousand dollars to pay the per diem and mileage of members and the per diem of officers and employees of the First Called Session of the Thirty-seventh Legislature of the State of Texas, convened on the 18th day of July, A. D. 1921, by proclamation of the Governor, providing how accounts may be approved and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 2, A bill to be entitled "An Act making an appropriation of the sum of twenty thousand dollars, or so much thereof as may be necessary, to pay the contingent expenses of the First Called Session of the Thirty-seventh Legislature of the State of Texas, convened on July 18th, 1921, in accordance with the proclamation of the Governor; providing how accounts may be approved; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 3, A bill to be entitled "An Act making appropriation to pay salaries of Judges and the support of the Judicial Department of the State Government for the two years, beginning September 1, 1921, and ending August 31, 1923; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Dudley:

S. B. No. 4, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, as follows, to-wit: The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; the Agricultural and Mechanical College; the State Experimental Stations; the Prairie View State Nor-

mal; the College of Industrial Arts for Women; the Sam Houston Normal Institute; the North Texas State Normal; the Southwest Texas State Normal; the West Texas State Normal; the East Texas State Normal; the Sul Ross State Normal; the Stephen F. Austin State Normal; the John Tarleton Agricultural College; the Grubbs Vocational College; the Texas State School for the Blind; and the State Deaf and Dumb Institute, for the two years beginning September 1, 1921, and ending August 31, 1923, and declaring an emergency."

Read first time and referred to Committee on Finance.

Standing Committee Reports.

Senator Dudley here presented committee reports on Senate Bills 1, 2, 3 and 4.

(See Appendix for Committee Reports in full.)

Executive Message.

A message from the Governor, having been received, was laid before the Senate.

Governor's Office,

Austin, Texas, July 18, 1921.

To the Members of the Thirty-seventh Legislature assembled in First Called Session.

Gentlemen: The Constitution of the State vests in the Governor the authority to convene the Legislature in Special Session. The Regular Session having adjourned without making provision for the support of the State government for the fiscal years September 1, 1921, to August 31, 1923, makes it imperative that your Honorable Body be assembled in extraordinary session. The same article of the Constitution that gives the Governor power to re-convene you in Special Session demands that he give to you information in regard to the condition of the State, and that he recommend to you for legislative consideration such measures as to him seem wise. Therefore, in keeping with this Constitutional provision and in the spirit of co-operation and mutual aid, this message is addressed to you.

The Times.

We are pioneering today amid the

rocks and reefs and whirlpools of the most disturbed and uncertain financial ocean the world has ever known. These are testing times. The affairs of men are shifting. Things are abnormal. The world is at a turning point in civilization. The times challenge each of us to seek and to follow, by the grace of Him who rules eventually in the Legislative Halls of men, the light of right.

The People.

Under our form of government the people are the source of power. They own the government. They are the State. They pay the taxes. All wealth comes from their sweat and toil. They are the repository of all the authority the government possesses. By their vote and voice we are temporarily their servants. We represent the folks at home. Our task is not an easy one. We should mobilize our best thoughts and render the highest service possible.

Business Conditions Generally.

Great business depression prevails throughout the land. Industry is heavily burdened and there is uncertainty in the air. We are passing through a financial crisis. Our people are followers of the plow. Crop values have decreased far below the cost of production. We have no market for our cotton, no market for our stock, no market for our farm productions, no banks from which we can borrow money and no money with which to pay our taxes. Farmers, stockmen, merchants, bankers, and all our people alike are hanging on the ragged edge of the financial world.

Must Economize In Public and Private Life.

In the face of tightening credit, moneyless markets, and industrial depression, simple justice to the taxpayers of Texas demands that we practice economy. Quit spending money except for actual necessities in public and private life is the only means of solving the pressing problems that are now pulling at the purse-strings of the world. This is a time to conserve rather than consume. It is a time to retrench rather

than enlarge. It is a time to legislate for the present rather than for the future. It is time to break rather than forge shackles for the people. This is no time to launch new enterprises. Every dollar possible should be saved. No tax burdens beyond the absolutely necessary running expenses of the government should at this time be laid on the shoulders of the people. Common honesty demands economy in public affairs. Government expenses should be cut to the bone. A rich people and a poor State is better than a poor people and a rich State.

Our Government.

Our government is in no easier circumstances financially than are the people who compose it. In the logic of a square deal, we should apply to the public service the same rigid rule of economy that necessity forces those to live under whose tax money supports the government. The time has come to call a halt upon unnecessary expenditures of the public revenue. Any increase of the tax burden, either upon property or industries, is, in the face of the circumstances that now confront us, unthinkable. Nothing in the scope of legislative authority will redound in greater benefit or prove more welcome to our people than an era of strict adherence to the plain mandate of our State Constitution, which declares: "The Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise revenues sufficient for the economical administration of the government."

In a State government, democratically administered, there are two matters of highest importance to the people. One is the proper collection and distribution of the tax money. The other is a strict and impartial enforcement of the law. If a government has these two fundamental foundation stones properly placed, it can easily build thereon a superstructure of government that can weather any storm. Therefore, in the light of present conditions the following thoughts are submitted to you for your careful and conscientious consideration.

Financial Legislation As Shown By
the Records of the Past.

According to the Federal Census

of 1920, the population of Texas during the past ten years increased twenty-one per cent while the wealth of Texas increased thirty-three per cent. During the ten year period intervening between 1910 and 1919, inclusive, our State ad valorem tax rate increased from four cents on the \$100.00 of assessed valuation to thirty-five cents on the \$100.00. You will observe that while our population increased only twenty-one per cent and our wealth only thirty-three per cent, our tax rate increased 775 per cent. The appropriations made by the Legislature of 1911 for the two succeeding fiscal years totaled less than ten million dollars, while those of the Legislature of 1919 ran up to \$37,321,860.00. During the twelve years preceeding 1919 the traveling expenses of the employees of the State climbed from approximately twenty-four thousand dollars to almost one million dollars. One becomes dazed and amazed in scanning the lengthy appropriation bills heretofore passed in the name of governmental expenses. Our government is top-heavy. Departments overlay each other. We have too many departments and too many employees. Within the next few days a special message will be sent to you dealing with this phase of our State government.

Perhaps a statement should here be made as to why \$5,245,420.00 appropriated by you during the regular session of the Legislature was by me vetoed. You gentlemen, without making appropriations of any kind for the support of the government and the maintenance of her institutions for the fiscal year beginning September 1, 1921, appropriated for various and sundry purposes \$12,699,405.00. \$10,699,405.00 of this sum was charged against the treasury for the year beginning September 1, 1921, and ending August 31, 1922. When you add this last sum to the minimum allowance which the Board of Control, in its budget, has estimated as necessary for the support of the government during the ensuing fiscal year, which is \$13,023,051.00, you have \$23,722,456.00. Deduct from this amount \$6,000,000.00 expected to be raised from other sources and you have \$17,722,456.00. This aggregate sum

would have been the net amount of money necessary to have been raised by the advalorem tax rate. To get the gross amount necessary to be collected from the people it is necessary to add, as is provided for by law, for delinquencies and costs incident to collection of taxes, 20 per cent of the net sum to be raised, which calculation and addition in this instance makes \$21,266,947.00. If this \$21,266,947.00, as above stated, had been permitted to stand, it would represent the gross amount to be provided for by advalorem taxation. The assessed value of all taxable property in the State is \$3,250,000,000.00. Dividing this amount into \$21,266,947.00 we get on this basis of appropriation, 65 cents on the one hundred dollar valuation, which would have been the tax rate demanded by said appropriations and which would have been 30 cents on the one hundred dollars higher than the highest tax rate possible under the Constitution, and 43 cents higher on the one hundred dollars than the present tax rate. Adding to this tax rate the 15 cents on the one hundred dollars for free textbooks, and 20 cents on the one hundred dollars for public free school purposes, and the 5 cents on the one hundred dollars for Confederate pensions, which said three taxes are fixed by the Constitution and, therefore, must be levied, you have \$1.05 on the one hundred dollars, the total tax rate which would have been necessary to have been paid by the people had all the appropriations made at the Regular Session, together with the Board of Control's recommendations for the running expense of the government, been permitted to stand. Readily can it be seen that this was a rapid drifting from the moorings of economy. The present advalorem tax rate is 22 cents, for general purposes, on the one hundred dollars. It should not be raised. The highest possible advalorem tax rate for general purposes under our Constitution is 35 cents on the one hundred dollars. The highest tax rate possible under existing laws for all purposes is 75 cents on the one hundred dollars. Notwithstanding this, the appropriations actually made and recommended to be made, together with the fixed taxes above mentioned,

would have run the tax rate to \$1.05, an unconstitutional and unthinkable rate. While, of course, this high tax rate could not have been levied, under the Constitution, yet it shows that such appropriations would have put the State millions of dollars in debt. Such a contemplated State tax rate, in addition to our other taxes, municipal, county and National, would, under present financial conditions, tend to place our people within the zone between taxation and confiscation. We cannot reduce taxes as long as we increase expenditures. The way to keep down taxes is to keep down appropriations. Therefore, in an effort on my part to slow up the drain on the public treasury and to keep down the tax rate and practice economy, as urged in my inaugural address, and by special message, \$5,245,420.00 appropriated during the Regular Session was by me vetoed. Other appropriations made by your Honorable body, in my opinion, were two or three times larger than should have been made. The merit of these enterprises and institutions entitled them to liberal, but not exorbitant appropriations. The law did not permit me to trim down these appropriations; there was no alternative for me except to approve the bills with all of their appropriations, or veto them and thus cripple worthy causes. In making the choice the bills were approved. It seems to me that the time has come when this Special Session of the Legislature should set a new standard for real, worth-while economy in the administration of the State government. We must call a halt or be wrecked on the rocks of the financial ocean. The time to save money is before it is spent, not afterwards. Appropriations must be kept within the revenues. It is no evidence of statesmanship to vote for every appropriation bill that is presented. Not a dollar should be appropriated for any purpose unless the dollar is available with which to pay it. There should be no raise in the tax rate. No additional burdens should be placed against real estate, farm land or city property. No tax burdened industry now producing in part the wealth of the country should feel anew the heavy hand of taxation. Any bill that comes to my desk that

has for its purpose the placing of additional taxes against property, enterprises or institutions above mentioned will be by me promptly vetoed. If in the sound, collective judgment of the Legislature, additional revenues are to be had for worthy purposes, especially rural education, it should be raised by taxation on the pleasures and luxuries and the non-essentials of life, most of which are now practically free from State taxation. In order that you may provide additional revenue with which to aid our public free schools, and in order that you may provide the revenue for every dollar you appropriate, there is hereby submitted to you, for your legislative action, the entire field of revenue getting by means of taxation.

The Administration of the Law.

The law of the land is that stabilizing influence which holds society together. It is the foundation of every civilization. To uphold it is the first duty of a government. When a government ceases to enforce her laws, it ceases to be a government, and becomes a mob. A government must govern. Disregard for the law undermines the very foundations of organized society. If the State is to be respected her laws must be obeyed. A lax enforcement of the law encourages a disrespect for the law. A disrespect for law makes criminals. Criminals fill the land with terror and make unsafe both life and property. "Obey the law," should be written on every school-boy's tablet, should be chisled on the corner-stone of every public building, should be arched over the doorway of every home and hung in letters of gold in every hall of State. For a country to permit crime is to commit suicide. To obey the law is life. To disobey it is death.

The genius of man has never found any better way to prevent crime than to punish criminals. If it were not for the fear of punishment of the law, neither your life nor your property would be safe for one hour. Repeal all our laws and turn mankind loose and you would not and could not live in Texas one week. It is the law that protects you, in property, in life, in liberty and in

the pursuit of happiness. That maudlin sentiment that loses sight of truth and justice and right and makes a hero out of every person who commits a crime is sapping the sovereign strength of the State. Punishment should follow crime as night follows day. The law-abiding people should demand more certainty of punishment for the lawless element of the State. Society has two functions to perform in punishing criminals. One is to purify society and the other is to reform criminals. Society owes its first duty to itself.

For the past two years Texas has witnessed and is now experiencing the greatest crime wave in her history. Lawlessness stalks throughout the land. This crime wave is but the result of a complete breakdown in the administration of our criminal code. The law no longer has a terror for evil doers. We have minimized punishment for crime until it has stripped the law of its power. A traditional and parasitic growth of technicalities has sucked the life blood out of the penal code of Texas. Therefore, lawlessness is rampant. The wonder is not that so many guilty men escape, but that under our present system any guilty man is ever convicted. It is estimated that not ten per cent of those who violate the law are arrested and not half of those who are arrested are convicted. Too much procrastination, too much probation, too many paroles, too many pardons, have robbed the law of its fear. Seven hundred and eighty convicts went out of the penitentiary last year by parole, by pardon, or by escape. The life of the law itself is now on trial. The good name of Texas is at stake. Her proud escutcheon is being hourly defied. This Special Session of the Legislature should revivify, rehabilitate and re-electify the criminal laws of the State. Let us take lawlessness out of our laws and give to them a deterrent influence. The administration and the non-administration of the criminal laws of Texas is a disgrace to our civilization. This carnival of crime should no longer be contended.

Argument has been made by some people that the officers and the people of the respective counties are the judges as to how the laws should be

enforced in their respective counties, and that the enforcement of the laws in these counties is not a matter in which the State should interfere, and that for the State to do so is a violation of the fundamental principles of local self-government. There is no such thing as local self-government in regard to violations of the law. Our government was not instituted to favor criminals, but to protect the law-abiding. Every crime that is committed is a crime against the State. The State enacts laws, not the counties. The State is the sovereign government. Counties are but political subdivisions of the State and made by the State for the convenience of the State in the administration of the government. Every indictment charging an offense against the law begins in the name of the State and closes against the peace and dignity of the State. Every person in the penitentiary was sent there in the name of the State. The State paid the expenses of the sheriff who arrested him, of the judge who tried him, and of the penitentiary authorities that keep him. Therefore, the flag in behalf of law and order is raised in the name of the State. State laws, not county laws, are being violated. Counties enact no laws. When county officials protest against the State sending her Rangers and her State officials to a county to enforce the law, the protest is always made for the benefit of the criminals, and not the law-abiding people. If a county is permitted to set up its own standard for law enforcement then the criminals could take charge of some small county in Texas, and have a world of unrestrained lawlessness all their own. No parliament of gamblers, bootleggers, thieves, thugs, murderers, and trespassers of the law generally should be permitted to establish courts, elect officers and take charge of any county in this State. Civilization is not wrought out in disobedience to the law. The law should be enforced, and respected on every square foot of Texas soil.

Enforcement of the Prohibition Law.

The prohibition of the sale of intoxicating liquor is now written into the Constitution of both the State and Nation. It is the universal law

of the land. There was at one time an honest division of opinion among the law-abiding citizens of this country as to whether or not prohibition should be adopted; but since its adoption, since it is a part of the fundamental law of the land, there can be at this time no division of opinion among law-abiding citizens as to its enforcement. It is the duty of all our people to obey it. Every good citizen must take his stand on the side of the enforcement of the law. We can no longer view with unconcern the open and ever increasing violation of the prohibition law. In my judgment, in those communities where the law is being disregarded, it can be attributed to two reasons. One is unwilling officers, and the other defect is the defect in the law itself.

The Legislature can and should, by appropriate legislation, remove both of these stumbling blocks in the pathway of the law. There are some necessary amendments to be added to the prohibition law so that it can be effectively enforced and thereby respected and obeyed. Disregarding the back-fire from bootleggers, gamblers and the viciously inclined, all law-abiding citizens of all races and classes, should join hands in making Texas clean and sober and safe for every person in it.

Needed Corrections In the Law.

The law as it is interpreted by the highest criminal court in this State will not permit a person who runs an illicit still to be convicted for making corn whiskey unless the prosecuting attorney can prove that the whiskey was not made for medicinal, scientific or sacramental purposes.

Why should the burden of proving this be placed on the State. The proof that the liquor was being made for legitimate purposes, if it was, is peculiarly within the knowledge of the defendant. If he is making the liquor legitimately, he must have a permit issued by the constituted authorities authorizing him to make such liquor. Why require the prosecuting attorney to bring the State Comptroller at great inconvenience and expense, hundreds of miles perhaps, to prove that he has not granted a permit to the defendant to

manufacture intoxicating liquor, when if the defendant had received the permit he could exhibit same and thereby end the prosecution.

Suppose a strange negro is found operating a still in a community. It is very difficult for the prosecution to prove that he is not a bishop, a licensed druggist, a scientist, or a preacher making the moonshine for sacramental purposes. Of course he might be morally certain that such is not the case, but if he is required, as he is, to make affirmative proof of same, what witness would he call to the stand? Yet that is the condition of the law today, under the present law. The courts must charge the jury that unless the State proves these things by positive testimony and beyond a reasonable doubt, the whiskey maker must go free. In other words, the law presumes that every still being operated in the State is being operated for the manufacture of liquor for medicinal, scientific or sacramental purposes. The presumption of the law should be that the still is being illegally operated. The person entitled to the special defense should be required to produce the proof that the intoxicant is being made within the law.

Is there any reason to require so much greater burden of the State in this than in other offenses where special exemptions lie? Certainly not. If a person is found carrying on his person a pistol he is presumed under the law to be guilty unless he can show that he has the right to carry the pistol under one of the exceptions in the statute. If a person is found in possession of stolen property the law presumes he is guilty until he can prove that he had a right to possess the property. Our prohibition law should be amended so that when a person is found in the brush or in a cave manufacturing corn whiskey, that the law will place upon him the burden of showing that he was manufacturing same under one of the exceptions in the statute and that he held a permit authorizing him to manufacture same.

The prohibition law should also be amended so that a purchaser of intoxicating liquor will not be guilty of an offense under the law. This part of the prohibition law is in-

operative for the reason that no prosecution, so far as has come to my knowledge, has yet been had in the State against any person for buying intoxicating liquor, yet under the law, every person who buys intoxicating liquor is guilty of violating the law. The law should be amended in this respect. This change is recommended not for the benefit of the buyer, but in order that the law can be more easily and effectively enforced. When this change has been made in the law, then the buyer will be authorized to testify as other witnesses against the seller. As the law is at present, the buyer, in the eyes of the law, is not looked upon as being a witness worthy to be believed by the jury. The law should be amended so that a conviction may be had upon the testimony of the purchaser, if the jury trying the case shall, upon the consideration of such testimony in connection with all the other facts and circumstances, if any, in evidence in the case, believe beyond a reasonable doubt that the accused is guilty of selling, in violation of the law, the intoxicant. The prohibition law should be thus amended so that the illegal vendors of whiskey can be convicted. Did you know that with all of our courts and all of our officers and with all our work last year, only fifty-eight persons were sent to the penitentiary for violating the prohibition law, when as a matter of fact the law was being violated by day and by night. Twenty-four of these fifty-eight were pardoned; only thirty-four being punished in keeping with the provisions of the law. There are doubtless but few counties in the State which should not have had more than fifty-eight convictions for violating the prohibition law had all violators been convicted. Under our system, as we are enforcing the laws now, the bootlegger has become bold and defiant. A number of Federal prohibition enforcement officers have been killed by them. Bootleggers no longer fear the State prohibition law.

Much credit is due the Federal officers for the enforcement of the prohibition laws in our State. A few days ago Federal officers went to an East Texas county, and in two days, according to public report, located forty-six stills and hundreds of gal-

lons of booze. This county had a full corps of county officers whose duty it was to apprehend these violations and prosecute the offenders. This was not done by them. Federal officers went into the county and performed this neglected duty.

A few weeks ago Federal court opened in a South Texas county and in three days of court, as reported in the daily press, thirty-seven parties plead guilty and paid fines aggregating more than \$10,000.00 for violating the prohibition law. The law was being openly violated. There was no secret about it. The local officers made no effort to enforce it. It remained for the Federal officers to do so.

Whatever may have been our individual views in regard to the prohibition law, it is now our duty to respect it, uphold it, and enforce it. Whatever amendments are necessary to make the enforcement of the law effective, should by this Special Session of the Legislature be enacted.

The Practical Workings of the Suspended Sentence Law Is Conclusive Proof That It Should Be Repealed.

We have in this State what is known as the Suspended Sentence Law. A study of its practical workings convinces one that it has failed in its purpose and should be repealed. The court records forcibly demonstrate that since its incorporation into the Statute in 1913 disrespect for the offenses to which it may be applied has steadily grown. It is an incubator for evil-doers. It makes of the law a shield for crime. It furnishes a loophole through which convicts escape. It undermines the law. It is wrongfully persuasive to the potential criminal. It produces crime and crime begets criminals.

A law that encourages, as does this one, the vicious and criminally inclined is fundamentally wrong. Not only is it fundamentally wrong, but its operation is a positive disgrace to the criminal jurisprudence of Texas. The law is not written, as is generally supposed, to aid the youthful wrong-doer, the aged offender, the feeble-minded, or those who may be over-persuaded; but is written in favor of certain laws, by applying to some, but not to others. Why discriminate against certain laws,

or encourage the violation of certain laws? To illustrate: If a person is found guilty of false swearing he may have his sentence suspended, but if he is convicted of perjury he must go to the penitentiary. If he is found guilty of forging a check for a thousand dollars, he may have his sentence suspended, but if he is convicted of setting fire to a hen-house the penitentiary is his lot. If one betrays the confidence of another and swindles him out of ten thousand dollars, he may have this statutory clemency extended to him; but if he is found guilty of taking five dollars from another's pocket his punishment is confinement in the penitentiary. A cashier can wreck a bank, by applying the deposits entrusted to the bank's care to his own use and escape punishment by this loophole of this law—the suspended sentence; but if he enters the home of one of the depositors of the bank and steals a sack of flour the law will not permit him to have a suspended sentence. A thief can steal your automobile and seek refuge for the crime under the terms of the suspended sentence law, but if he opens a garage and steals gasoline with which to run the automobile, he must, if convicted, go to the penitentiary. If a boot-legger sells a bottle of booze that steals away the brain of man, he may have the benefit of the suspended sentence, but if convicted of robbing a person of a dollar—a term in the penitentiary is his sure punishment. Why should a person who deliberately steals your automobile not be punished for the crime? Why should the person who makes up his mind to forge your name to a check and thus rob you of your money, go unwhipped of justice? Why should the bank cashier who plots to pocket your money, have his sentence suspended? Why should the boot-legger, who for greedy and tainted gain, deliberately plans to trample beneath his feet the law, have the verdict of his guilt set aside by the provisions of the suspended sentence law?

The effect of the operation of the law is to virtually repeal and render nugatory those offenses in which the sentence is suspendable. During 1919-1920 more criminals were convicted and given the suspended sentence than were convicted and sent to the penitentiary. This is cheating the law. It is flooding the State with criminals. The machinery, however, for enforcing those laws goes on at a great expense to the people, in order that the offender

may go through the form of a trial, to be told finally, that he will not have to suffer the punishment which the law, for the designated offense, inflicts. This law contravenes the spirit and the expressed purpose of the Penal Code in that it fails to punish the offender. It gives to a jury the authority to set aside the laws of the State. The law-breakers of the State are advised as to what laws the suspended sentence applies, and those laws are the ones most generally violated now. These criminals are violating the laws, with the suspended sentence as a shield and a protector. This law is a mill-stone about the neck of the prosecutors of the State in their unequal fight with crime. Disrespect for the law by the criminally inclined and their escape from punishment by means of the suspended sentence has brought the courts, as agencies of the government for the enforcement of the law, into disrepute. It is robbing the courts of their power, respect and dignity. In Texas during the past two years more than two thousand convicted criminals have escaped punishment by means of the suspended sentence law. The farce and fraud of giving these two thousand and more violators of the law the suspended sentence, cost the tax-payers of Texas more than half a million dollars. This was a foolish expenditure of their money. This law, breeding crime and incurring economic waste, should be wiped off the law books of this State.

The following statement showing the record of various counties in the State for the years 1919-1920 fairly represents the loose method of law enforcement through the suspended sentence law and by the granting of pardons and paroles:

| County. | Sent to Penitentiary For years 1919-1920 | | | Given Suspended Sentence For years 1919-1920 Pardoned, Escaped or Paroled from Penitentiary For years 1919-1920 | | | County. | | |
|--------------------|---|-----|----|---|----|----|---------|--|--|
| | | | | | | | | | |
| Angelina | 6 | 13 | 4 | Travis | 23 | 14 | 40 | | |
| Bexar | 87 | 141 | 48 | Trinity | 3 | 3 | 4 | | |
| Bowie | 20 | 29 | 13 | Uvalde | 2 | 12 | 3 | | |
| Camp | 8 | 9 | 4 | Washington | 9 | 10 | 5 | | |
| Collin | 11 | 52 | 6 | Wise | 5 | 30 | 5 | | |
| Colorado | 9 | 9 | 3 | | | | | | |
| Comanche | 1 | 6 | 4 | | | | | | |
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Removal of Officers Who Wilfully and Corruptly Fail or Refuse to Enforce the Law.

The very life of a law consists in its vigorous enforcement. Its effectiveness is absolutely dependent upon it. When the government ceases, through its duly commissioned officers, to enforce the law as written in any given instance, not only does that particular law fall into disrepute, but that government itself undermines its own foundations and invites a substitution of the rule of the mob for the rule of the law.

The enforcement of our laws must depend largely upon the faithful and honest discharge of duties by all of our commissioned officers. Under our form of government, they are elected and vested with the authority and power to enforce our laws. Their business is to protect society from the criminal. It becomes their duty to do so, and in its performance they are supported, not only by the influence of a great majority of our citizenship, but the military power of the State and Nation as well. Every resource of our government is subject to their command. There can be no legitimate excuse for dereliction of duty.

Our people, themselves, place their trust in their officers; they make them the guardians of their property, rights and liberties. An officer so honored, should not fail his constituents. The government as a government, and the people as a people, have a right to expect the officers to maintain order and uphold the law. The people should accept nothing less. An officer who does less, violates his oath of office and becomes unworthy of the further confidence of his people. If he wilfully and corruptly fails and refuses to enforce the law, he should be immediately stripped of every official power and every insignia of office. If it can be proven by legal testimony in an open court and before a jury that he has wilfully and corruptly refused to enforce the law on what theory should he be longer retained in office?

That there is necessity for such a law cannot be questioned by anyone who has taken time to investigate. This is no indictment against all the officers of Texas, but it can be truthfully stated that there are officers in certain localities who openly and arrogantly, wilfully and corruptly fail

and refuse to uphold the law. They protect the criminal and neglect the public. Instead of enforcing the law, they stand in the way of the law. This statement is made after investigation and with a full understanding of its meaning.

Therefore, it is hereby recommended that the Attorney General of Texas be authorized to make investigations along the line of official misconduct and if after making said investigations, he is of the opinion that some officer in Texas, who is charged with the duty of enforcing the law, is wilfully and corruptly refusing to enforce the law, then, in that event, it shall be the duty of the Attorney General, to file a petition in the name of the State of Texas, in any District Court in the supreme judicial district in which the officer sought to be removed, resides; provided, however, that before the Attorney General files suit, he shall give to the officer sought to be removed, an opportunity to be heard. If, after having heard the officer in his own behalf, the Attorney General is still of the opinion that said officer has wilfully and corruptly failed and refused to enforce the law, proceedings shall be filed looking to his removal. His removal can only come after it has been proven upon a trial in an open court and before a jury, that said officer has wilfully and corruptly failed or refused to enforce the laws of the State. He is to be tried in the supreme judicial district of his residence, but away from local alignments and political influence. There is no use to try him in his own county. Try him where both the State and the defendant can have a fair and impartial trial. If you try him in his own county where all his friends, relations, supporters and henchmen live, he can easily get one juror out of the twelve, who will hang the jury and thereby defeat the ends of justice. A bill thus providing for the removal of officers is not needed in so many counties, but in some counties it is badly needed. It will not hurt the good officers. The bad, dishonest officers are not entitled to be protected in their official misconduct.

State Aid for Public Education.

One of the most solemn problems demanding solution at the hands of this law-making body is to provide revenue and make appropriations from same for the support of our

public schools. Money spent for the education of our boys and girls brings to the State her best returns. Upon the education of the masses depends the perpetuity of our institutions. The common schools are the foundations of good government. Their growth insures the future stability of the commonwealth. Ignorance and poverty are twins that march arm-in-arm with their faces to the past and their backs to the future. We must continue improving our rural schools until our boys and girls have as good educational opportunities as are to be had anywhere in the world. The best is not too good for them. It is earnestly recommended and urged that every dollar that can be spared be invested in the education and development of the more than one million Texas school children of today on whose shoulders tomorrow will rest the duties and responsibilities of a high citizenship. The rural school house is and will forever remain the college of the masses and, therefore, is a matter of deepest concern to every thoughtful citizen.

Redistricting the State Into Senatorial and Representative Districts.

The Constitution of Texas provides that the Legislature shall, after each United States decennial census, apportion the State into senatorial and representative districts of contiguous territory according to population.

Notwithstanding the Constitution of the State and the platform of the Democratic party demand that this redistricting be done, it has been neglected by the Legislature. It is a duty which the Legislature should not omit. Simple justice and right demand that it be done. The State long ago should have been redistricted. The wrong should now be righted. Not to redistrict would be a thrust at the very foundation stone of representative government. In redistricting the State it should be done with a vision that looks above and beyond personal political fortunes.

These Measures Presented On Merit Alone.

The thoughts herein set forth are

presented to you on their merit for your wise council and legislative judgment. Their enactment into laws will not be further urged from the Executive Office. The Constitution clearly defines the duties of Governor and Legislature. Neither is charged with responsibility for the other.

No Low Note Should Be Sounded By Anyone.

There is nothing in this message that is intended as sounding a low note in regard to the development of Texas and all her institutions. When times become normal big things should be done. Constructive legislation of wide vision should be enacted. Our entire school system, from the red school house to the University should be given new life; the marketing of farm products and the entire agricultural field should be worked over so that better returns can be had for the money spent; the conservation of our natural resources which have too long been neglected needs attention; permanent and enduring highways should be built; child life and the cause of labor are in need of some protecting law; in short, many shackles should be stricken from the limbs of Texas and she should be permitted to march with steady and stately tread along the shining pathway of power and progress until she takes her place where she rightly belongs, not only the biggest but the best State in the sisterhood of the American Union.

Subjects for Legislative Consideration Submitted.

In keeping with the foregoing and as set forth in my official proclamation reconvening you in special session, there is hereby submitted to you for your legislative thought and action, the following subject matter, to-wit:

1. To make appropriations within the available revenues, for the support and maintenance of the State government and State institutions.
2. To provide additional revenue and make appropriation out of same for the better support of the public free schools of the State.
3. To enact legislation providing for the repeal of the Suspended

Sentence Law and amending the State Prohibition Law so as to make same more effective and easier of enforcement.

4. To provide an effective law for the removal of officers who wilfully and corruptly refuse to perform their official duties in the enforcement of the law.

5. To redistrict the State into senatorial and representative districts as provided by the Constitution and as recommended by our party platform.

Cordially and respectfully submitted,

PAT M. NEFF,
Governor of Texas.

Memorial for Senator J. C. McNealus.

Senator Bailey here announced the death of former Senator J. C. McNealus and, pending his remarks, moved that the Chair appoint a committee to draw an appropriate memorial on the life and character of the late Senator; and also moved that when the Senate adjourns today that it do so in memory of the late Senator.

The motion was adopted and the Chair appointed Senators Bailey, Wood, Page, Clark, and Willis, as the committeemen to draft the resolution.

Recess.

Pending the reading of the message from the Governor, Senator Wood moved that the reading of the message be suspended and that the Senate recess until 3:00 o'clock today, at which time the reading of the message be resumed until completed.

The motion prevailed and the Senate accordingly recessed until 3:00 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Lynch Davidson.

The reading of the message from the Governor was resumed and completed.

Senate Bill No. 1.

Senator Dudley here moved that the constitutional rule requiring bills to be read on three several days be suspended, for the purpose of taking up

and considering Senate Bill No. 1 on second reading.

The motion prevailed by the following vote:

Yeas—25.

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| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Clark. | Page. |
| Cousins. | Parr. |
| Davidson. | Rogers. |
| Dorough. | Suiter. |
| Doyle. | Watts. |
| Dudley. | Williams. |
| Floyd. | Willis. |
| Hall. | Witt. |
| Hertzberg. | Woods. |

Absent.

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| Bledsoe. | Fairchild. |
| Burkett. | Richards. |
| Darwin. | Wood. |

On motion of Senator Dudley the Senate rule requiring Senate committee reports to lie over for one day was suspended. (See Appendix for committee report.)

The committee report was adopted.

The Chair laid before the Senate, on second reading.

Senate Bill No. 1, Being the appropriation for the mileage and per diem for the members and per diem for the employes of the First Called Session of the Thirty-seventh Legislature.

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 1 put on its third reading and final passage by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Williams. |
| Dudley. | Willis. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Hertzberg. | Woods. |

Absent.

| | |
|----------|------------|
| Bledsoe. | Fairchild. |
| Carlock. | Richards. |
| Darwin. | |

The bill was read third time and passed by the following vote:

Yeas—26.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Williams. |
| Dudley. | Willis. |
| Floyd. | Witt. |
| Hall. | Wood. |
| Hertzberg. | Woods. |

Absent.

| | |
|----------|------------|
| Bledsoe. | Fairchild. |
| Carlock. | Richards. |
| Darwin. | |

Senate Bill No. 2.

Senator Dudley moved that the constitutional rule requiring bills to be read on three several days be suspended for the purpose of taking up and considering Senate Bill No. 2 on second reading.

The motion prevailed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Rogers. |
| Darwin. | Suiter. |
| Davidson. | Watts. |
| Dorough. | Williams. |
| Doyle. | Willis. |
| Dudley. | Witt. |
| Floyd. | Wood. |
| Hall. | Woods. |
| Hertzberg. | |

Absent.

| | |
|----------|------------|
| Bledsoe. | Fairchild. |
| Carlock. | Richards. |

On motion of Senator Dudley the Senate rule requiring committee reports to lie over for one day was suspended.

The committee report was adopted.

The Chair laid before the Senate, on second reading,

Senate Bill No. 2, being a bill making appropriations for the contingent expenses of the First Called Session of the Thirty-seventh Legislature.

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 2 put on its third reading and final passage by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Rogers. |
| Darwin. | Suiter. |
| Davidson. | Watts. |
| Dorough. | Williams. |
| Doyle. | Willis. |
| Dudley. | Witt. |
| Floyd. | Wood. |
| Hall. | Woods. |
| Hertzberg. | |

Absent.

| | |
|----------|------------|
| Bledsoe. | Fairchild. |
| Carlock. | Richards. |

The bill was read third time and passed by the following vote:

Yeas—27.

| | |
|------------|-----------|
| Bailey. | Lewis. |
| Baugh. | McMillin. |
| Buchanan. | Murphy. |
| Burkett. | Page. |
| Clark. | Parr. |
| Cousins. | Rogers. |
| Darwin. | Suiter. |
| Davidson. | Watts. |
| Dorough. | Williams. |
| Doyle. | Willis. |
| Dudley. | Witt. |
| Floyd. | Wood. |
| Hall. | Woods. |
| Hertzberg. | |

Absent.

| | |
|----------|------------|
| Bledsoe. | Fairchild. |
| Carlock. | Richards. |

Adjournment.

On motion of Senator Bailey the Senate, at 3:30 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Revised Standing Committees.

(As of July 18)

The following revised list of the

various committees is printed here by order of the Chair:

Agricultural Affairs: Parr, Chairman; Clark, Vice-chairman; Floyd, Suiter, Murphy, Buchanan, Burkett.

Civil Jurisprudence: Bailey, Chairman; Carlock, Vice-chairman; Woods, Page, Hertzberg, Dorough, Bledsoe, Hall, Lewis, McMillin, Davidson.

Counties and County Boundaries: Burkett, Chairman; Buchanan, Vice-chairman; Cousins, Doyle, Baugh, Darwin, Watts.

Constitutional Amendments: Woods, Chairman; Davidson, Vice-chairman; Dorough, Willis, Murphy, Witt, Hall, McMillin, Bledsoe.

Contingent Expense: Cousins, Chairman; Suiter, Vice-chairman; Clark, Baugh, Watts.

Commerce and Manufactures: Murphy, Chairman; Baugh, Vice-chairman; Watts, Wood, Fairchild, Davidson.

Criminal Jurisprudence: Hertzberg, Chairman; Suiter, Vice-chairman; Woods, Hall, Parr, Dorough, Rogers, Fairchild, Dudley.

Educational Affairs: Witt, Chairman; Hertzberg, Vice-chairman; Floyd, Suiter, Lewis, Rogers, Richards, Cousins, Burkett, McMillin, Darwin.

Engrossed Bills: Doyle, Chairman; Floyd, Vice-chairman, Dorough.

Enrolled Bills: Darwin, Chairman; Rogers, Vice-chairman; Cousins.

Federal Relations: Lewis, Chairman; Woods, Vice-chairman; Davidson, Carlock.

Finance: Dudley, Chairman; Clark, Vice-chairman; Carlock, Woods, Cousins, Lewis, Hertzberg, McMillin, Page, Fairchild, Rogers, Williams, Wood.

Insurance and Banking: Page, Chairman; McMillin, Vice-chairman; Carlock, Fairchild, Witt, Williams, Dudley, Clark, Floyd, Watts.

Internal Improvements: Willis, Chairman; Bailey, Vice-chairman; Cousins, Carlock, Buchanan, Parr, Murphy, Darwin.

Judicial Districts: Richards, Chairman; Witt, Vice-chairman; Davidson, Hall, Doyle, Watts.

Labor: Willis, Chairman; Page, Vice-chairman; Murphy, Clark, Parr, Buchanan, Burkett, Bledsoe, Williams, Cousins, Fairchild.

Mining, Irrigation and Drainage: Bledsoe, Chairman; Dudley, Vice-chairman; Murphy, Burkett, Williams, Hall, Bailey, Baugh.

Military Affairs: Baugh, Chairman; Rogers, Vice-chairman; Willis, Clark, Witt, Darwin, Bledsoe.

Nominations by the Governor:

Floyd, Chairman; Wood, Vice-chairman; Richards, Hertzberg, Carlock, Suiter, Lewis.

Privileges and Elections: Dorough, Chairman; Cousins, Vice-chairman; Darwin, Buchanan, Bailey, Murphy, Willis.

Public Buildings and Grounds: Floyd, Chairman; Murphy, Vice-chairman; Doyle, Wood, Watts.

Public Printing: Rogers, Chairman; Clark, Vice-chairman; Floyd.

Public Lands and Land Office: Davidson, Chairman; Darwin, Vice-chairman; Witt, Bledsoe, Burkett, Fairchild.

Public Health: Hall, Chairman; Willis, Vice-chairman; Clark, Floyd, Rogers, Bledsoe, McMillin.

Public Debts; Claims and Accounts: Fairchild, Chairman; Richards, Vice-chairman; Willis, Buchanan, Baugh, Suiter, Cousins.

Roads, Bridges and Ferries: McMillin, Chairman; Davidson, Vice-chairman; Floyd, Woods, Witt, Williams, Dudley.

Rules: Dorough, Chairman; Hall, Vice-chairman; Davidson, Hertzberg, Witt.

Senatorial Districts: Suiter, Chairman; Fairchild, Vice-chairman; Page, Richards, Darwin, Bailey, McMillin, Baugh, Clark, Burkett, Bledsoe, Floyd, Dudley.

State Affairs: Carlock, Chairman; Dorough, Vice-chairman; Wood, Hertzberg, Witt, Dudley, Bailey, Williams, Parr, Willis.

State Institutions and Departments: Wood, Chairman; Lewis, Vice-chairman; Richards, Fairchild, Doyle, Clark, Watts.

State Penitentiaries: Williams, Chairman; Bledsoe, Vice-chairman; Richards, Hertzberg, Lewis, Doyle, Woods.

Stock and Stock Raising: Clark, Chairman; Doyle, Vice-chairman, Dudley, Buchanan, Williams, Bledsoe, Murphy, Parr.

Town and City Corporations: Watts, Chairman; Burkett, Vice-chairman; Willis, Baugh, Carlock, Dorough.

Congressional Districts: Lewis, Chairman; Fairchild, Vice-chairman; Parr, Doyle, Darwin, Page, Richards, Baugh, Buchanan, Williams, Murphy, Cousins.

Representative Districts: Fairchild, Chairman; Richards, Vice-chairman; Woods, Burkett, Baugh, Buchanan, Davidson, Rogers, Willis.

Committee Reports

Committee Room,
Austin, Texas, July 18, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: Your Committee on Finance,
to whom was referred

S. B. No. 1, A bill to be entitled
"An Act making an appropriation of
the sum of sixty-five thousand dol-
lars to pay the per diem and mileage
of members and the per diem of offi-
cers and employees of the First
Called Session of the Thirty-seventh
Legislature, of the State of Texas,
convened on the 18th day of July,
1921, by proclamation of the Gov-
ernor; providing how accounts may
be approved, and declaring an emer-
gency,"

Have had the same under con-
sideration and I am instructed to
report same back to the Senate with
the recommendation that it do pass
and that it be not printed.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, July 18, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: Your Committee on Finance,
to whom was referred

S. B. No. 2, A bill to be entitled
"An Act making an appropriation of
the sum of twenty thousand dollars
or so much thereof as may be neces-
sary, to pay the contingent expenses
of the First Called Session of the
Thirty-seventh Legislature, convened
on the 18th day of July, 1921, in
accordance with the proclamation of
the Governor; providing how ac-
counts may be approved, and declar-
ing an emergency,"

Have had the same under con-
sideration and I am instructed to re-
port the same back to the Senate
with the recommendation that it do
pass and that it be not printed.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, July 18, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: Your Committee on Finance,
to whom was referred

S. B. No. 3, A bill to be entitled
"An Act making appropriations to
pay the salaries of judges of the
judicial department of the State for

the two years ending August 31,
1923,"

Have had the same under con-
sideration and I am instructed to re-
port it back to the Senate with the
recommendation that it do pass.

DUDLEY, Chairman.

Committee Room,
Austin, Texas, July 18, 1921.
Hon. Lynch Davidson, President of
the Senate.

Sir: Your Committee on Finance,
to whom was referred Senate Bill
No. 4, which is the Educational Bill,
have had the same under considera-
tion, and I am instructed to report
the same back to the Senate with the
recommendation that it do pass.

DUDLEY, Chairman.

SECOND DAY.

Senate Chamber,
Austin, Texas,
Tuesday, July 19, 1921.

The Senate met at 10 o'clock a. m.,
pursuant to adjournment, and was
called to order by Lieutenant Gov-
ernor Lynch Davidson.

The roll was called, a quorum
being present, the following Senators
answering to their names:

| | |
|------------|------------|
| Bailey. | Hertzberg. |
| Bledsoe. | Lewis. |
| Buchanan. | McMillin. |
| Burkett. | Murphy. |
| Clark. | Parr. |
| Cousins. | Richards. |
| Darwin. | Rogers. |
| Davidson. | Suiter. |
| Dorough. | Watts. |
| Doyle. | Williams. |
| Dudley. | Willis. |
| Fairchild. | Wood. |
| Floyd. | Woods. |

Absent.

Hall.
Page.

Witt.

Absent—Excused.

Baugh.

Carlock.

Prayer by the Chaplain.

Pending the reading of the Journal
of yesterday, on motion of Senator
Murphy, the same was dispensed
with.

Excused.

On motion of Senator Bailey, Sen-